MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2017/2018

UIC2612 – ISLAMIC CONSTITUTIONAL LAW

(All Sections / Groups)

5th JUNE 2018
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions in TWO Parts.

3. Attempt **FOUR** out of FIVE questions. You are required to choose **ONE** question in **PART A** whereas in **PART B** all questions are **COMPULSORY** to be answered. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are allowed to bring into Examination Hall CLEAN and ORIGINAL copy of Translation of Al-Quran. Students are not allowed to lend or borrow the Translation of Al-Quran during the Examination.

5. Please write all your answers in the Answer Booklet provided.

PART A (CHOOSE ONE QUESTION ONLY)

Question 1

Hizbi Party (Hizbi) is a political party, whose struggle is to reinforce and uphold an Islamic political system in the State of Tayyib (the State), a state predominant by Muslim. For the Hizbi, it is important to revive the Islamic political system in the State as it is a religious duty. Moreover, according to Hizbi, the State was founded by the ancestor to establish an Islamic state and fully complied with the rules of Islam. However, the Hizbi's agenda has been criticized as being irrelevant and dangerous to the existence of the State by their political opponent.

Based on the concept and principles of state and constitution in Islam, determine whether Hizbi's struggle is justified. Support your answer with relevant authorities.

(Total 25 marks)

Question 2

1) "One important caveat about the Constitution of Medina must be made before further discussion of its features. The works of Uri Rubin and R.B. Serjeant show that to call it a constitution at all is simply a convenience rather than an accurate descriptor." – Kleidosty, Jeremy, "*From Medina to Runnymede: Comparing the Foundational Legacies of the Constitution of Medina and the Magna Carta*", New Middle Eastern Studies, 1 (2011).

   In the light of the above statement, explain the various views on the status of *Sahifah Madinah* as a constitution and refute the above contention with reference to relevant provisions of *Sahifah Madinah*.

   (20 marks)

2) Explain, with reference to the view of various scholars, the characteristic of ideological in an Islamic political system.

   (5 marks)

(Total 25 marks)

Continued .....

PART B (ANSWER ALL QUESTIONS)

Question 3

"Historically, the Islamic State has been called Caliphate and was headed by the Caliph. However, the Quran never relates this word to a political meaning. Rather, it identifies someone who succeeds someone else. In Quran II,30 the Arabic word khalifa (Caliph) is related to Adam, the first man. Properly, Caliph is whoever accepts Islam, becoming Muslim and thus following the others." – quoted from Pietro Longo in his writing "*Islamic Constitutionalism And Constitutional Politics In Post-Revolutionary Tunisia*"

Based on the above quotation:

1) Explain the processes and importance of *Istikhlaf, Baiah* and *Shura* in the appointment of a caliph in an Islamic state.

(15 marks)

2) Explain the rights and duties of a caliph in an Islamic state.

(10 marks)

(Total 25 marks)

Question 4

Darul Iman is an Islamic state. It has constitutionally declared that the sole prerogative power belongs to Allah, the only God and the main sources of law are Al-Quran and Sunnah. The Constitution also mentions that the official religion of the state is Islam. More than 75% of the populations are Muslims and the rest are non-Muslims.

Maniam, a Hindu, is interested to live in Darul Iman as he would like to venture into the new Shariah-based investment scheme offered by one of the financial institutions in the state. He is also interested in Islamic banking systems practiced by most of the banks in Darul Iman. Nevertheless, he was told by a friend, Mark, that as a citizen in an Islamic state, he is not entitled to equal rights and freedom in many aspects of life including economic, social and culture. In addition of that, he shall be imposed with unnecessary duties and responsibilities as compare to Muslim citizens.

Advise Maniam.

(Total 25 marks)

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Question 5

Freedom of expression is a fundamental human right. It also underpins most other rights and allows them to flourish. The right to speak your mind freely on important issues in society, access of information and making accountable those who are in powers, plays a vital role in the healthy development process of any society.

In the meantime, freedom of religion is closely related to other substantive rights. For instance, the rights to freedom of expression, assembly and association are fundamental to holding religious beliefs and practising one's religion. Thoughts and views are intangible before they have been expressed, and convictions are valuable for a person only if he or she can express them.

Based on the above proposition, discuss basic freedoms recognized under Islamic constitutional law with special reference to Quranic injunctions and Hadith of the Prophet P.B.U.H.

(Total 25 marks)

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